Claims 10, 17 and 18 were rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,151,136 (Takemoto) in view of U.S. Patent No. 5,812,286 (Lin). Claim 12 was rejected under 35 U.S.C. § 103 as being unpatentable over Takemoto in view of Lin and further in view of U.S. Patent No. 5,748,773 (Tashiro et al.). These rejections are respectfully traversed.

As recited in independent Claim 10, the present invention relates to an image processing method of performing an image correction process in accordance with a highlight point and a shadow point of an original image. The method includes the steps of forming a histogram of hue of the original image, judging from a shape of the formed histogram of hue whether the original image is subjected to the image correction process, and controlling the image correction process in accordance with a judged result. Dispersed values of the histogram of hue are obtained and whether the image correction process is performed is judged from the dispersed values.

As recited in independent Claim 17, the present invention relates to an image processing apparatus for performing an image correction process in accordance with a highlight point and a shadow point of an original image. The apparatus includes means for forming a histogram of hue of the original image, means for judging from a shape of the formed histogram of hue whether the original image is subjected to the image correction process, and means for controlling the image correction process in accordance with a judged result. Dispersed values of the histogram of hue are obtained and whether the image correction process is performed is judged from the dispersed values.

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As recited in independent Claim 18, the present invention relates to a computer readable storage medium storing program steps for executing functions of an image processing apparatus for performing an image correction process in accordance with a highlight point and a shadow point of an original image. The program steps include forming a histogram of hue of the original image, judging from a shape of the formed histogram of hue whether the original image is subjected to the image correction process, and controlling the image correction process in accordance with a judged result. Dispersed values of the histogram of hue are obtained and whether the image correction process is performed is judged from the dispersed values.

As discussed previously, the color transforming method of Takemoto forms a histogram concerning hue and analyzes an image based on the histogram. Only a necessary portion is compressed in color gamut compression, and the optimum color gamut compression can be performed without deteriorating color reproducibility. However, Takemoto does not disclose or suggest at least that dispersed values of the histogram of hue are obtained, as is recited in independent Claims 10, 17 and 18. Accordingly, Takemoto also cannot disclose or suggest that whether the image correction process is performed is judged from the dispersed values, as is also recited in those independent claims.

Thus, Takemoto fails to disclose or suggest important features of the present invention recited in the elected independent claims.

Lin is directed to a digital color processing method that can correct hue shift and incorrect exposure based on image content. A histogram of R, G, B channels is formed, and a gamma curve and a look-up table are formed based on the central point, the maximum hue, and the minimum hue of the formed histogram. However, Applicants submit that in Lin, image correction is performed irrespective of any dispersion of the histogram. There is no disclosure or suggestion of, for example, not performing any image correction based on such dispersion. Accordingly, one of ordinary skill in the art would not look to Lin to modify Takemoto so as to obtain dispersed values of a histogram of hue and judge whether the image correction process is performed from the dispersed values.

Thus, the combination of Takemoto and Lin fails to disclose or suggest important features of the present invention recited in independent Claims 10, 17 and 18.

Tashiro et al. has also been reviewed, but also not believed to remedy the deficiencies of the citations noted above with respect to those independent claims.

Thus, independent Claims 10, 17 and 18 are patentable over the citations of record. Reconsideration and withdrawal of the § 103 rejections are respectfully requested.

For the foregoing reasons, Applicants respectfully submit that the present invention is patentably defined by independent Claims 10, 17 and 18. Dependent Claim 12 is also allowable, in its own right, for defining features of the present invention in addition to those recited in independent Claim 10. Individual consideration of dependent Claim 12 is requested.

Applicants submit that the present application is in condition for allowance.

Favorable reconsideration, withdrawal of the rejection set forth in the above-noted Office Action, and an early Notice of Allowability are requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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